

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BETTY J. LIVELY-MILLER,

Plaintiff,

v.

1:14-CV-1516

(LEK/TWD)

CAROLYN W. COLVIN,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

BETTY J. LIVELY-MILLER

Plaintiff pro se

321 Mettakahonts Road

Accord, NY 12404

THÉRÈSE WILEY DANCKS, United States Magistrate Judge

REPORT AND RECOMMENDATION

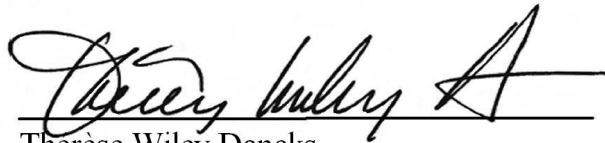
This matter was referred to the undersigned for report and recommendation by the Honorable Lawrence E. Kahn, Senior United States District Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3. Plaintiff filed a Complaint against the Commissioner of Social Security seeking judicial review of the decision of the Social Security Administration. (Dkt. No. 1.) Plaintiff also filed a Motion for Leave to Proceed in form pauperis (Dkt. No. 2) which was denied. (Dkt. No. 4.) Plaintiff was directed to pay the filing fee by January 29, 2015, and was notified by the Court that failure to pay the fee may result in the dismissal of the Complaint. *Id.* Plaintiff failed to pay the filing fee as directed by January 29, 2015. The Court gave Plaintiff a further opportunity to pay the filing fee by February 24, 2015,

or the case would be dismissed for failure to follow a Court order and failure to prosecute. (Dkt. No. 5.) When Plaintiff failed to comply, the Court gave Plaintiff a final opportunity to pay the filing fee by March 13, 2015. (Dkt. No. 6.) Plaintiff was once again notified by the Court that failure to pay the fee would result in a recommendation that the Complaint be dismissed for failure to prosecute and failure to comply with Court orders. *Id.* To date, Plaintiff has not paid the filing fee.

WHEREFORE, it is hereby

RECOMMENDED, that the Complaint be dismissed without prejudice for failure to prosecute and failure to follow Court orders.

Dated: March 17, 2015
Syracuse, New York

A handwritten signature in black ink, appearing to read 'Therese Wiley Dancks', written over a horizontal line.

Therèse Wiley Dancks
United States Magistrate Judge